

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

WATCH TOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA

Plaintiff

Case Number

7:21-cv-4155

vs.

JOHN DOE AKA "KEVIN MCFREE"

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

In Re DMCA Subpoena to YouTube
(Google, Inc.)

Plaintiff

Case Number

7:18-mc-268 (NSR)

vs.

Defendant

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

Pursuant to the request of Plaintiff Watch Tower Bible and Tract Society of Pennsylvania's ("Watch Tower"), on June 19, 2018, the Clerk of the Court issued a subpoena ("Subpoena") to YouTube (Google, Inc.) ("YouTube") under Section 512(h) of the Digital Millennium Copyright Act ("DMCA") seeking identifying information about Defendant John Doe aka "Kevin McFree" ("Doe") who without authorization had posted on YouTube purloined copies of Watch Tower's then-unpublished copyrighted works ("Works"). Doe, appearing anonymously through counsel, subsequently moved to quash the Subpoena, which motion Watch Tower opposed. The motion is fully brief and pending before Hon. Judge Roman.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The new proceedings are asserted by Watch Tower against Doe for copyright infringement of the Works. Doe's pending motion to quash the DMCA Subpoena in the prior case challenges the merits of Watch Tower's underlying copyright claims including based on Doe's claim that his use of the Works without authorization is permitted under the fair use provisions of the Copyright Act, 15 U.S.C. Sec. 107. Although Watch Tower avers that there is no fair use and that any determination of fair use in connection with the motion to quash the DMCA Subpoena is premature, the issues concerning the merits of Watch Tower's copyright claims and Doe's defense of fair use overlap in both cases.

Signature: _____



Cowan, Liebowitz & Latman, P.C.

Date: 5/10/2021

Firm: _____